

Serial No.: 09/482,653

REMARKS

The examiner is respectfully requested to hold the requirement for a new oath in abeyance.

Reconsideration of the rejections of the claims over the cited prior art references is respectfully requested in light of the above amendment and the following remarks.

The examiner takes the position that claim 22 lacks a recitation of structure because of the use of "wherein" phraseology. This claim has been amended to clearly recite structure that positions the container in one or more predetermined positions. Thus, the claim clearly recites structure and is allowable over the cited art for the reasons noted earlier.

The examiner also takes the position that sterility is not a structural condition of a container. Applicant respectfully requests reconsideration of this finding on the grounds that "sterile" as used in the claims is an adjective that does clearly limit the structure of the article claimed. Otherwise it has no meaning at all, which cannot be the case.

Moreover, the office has not established any motivation at all for making the articles in the cited references sterile. It may be obvious to sterilize a container if such is desirable, but the office has not established that such is desirable for the containers in the references of record.

Accordingly, it is submitted that this application is in condition for allowance, and an early indication thereof is respectfully requested. The examiner is invited to contact the undersigned if any matter remains outstanding.

All necessary extensions of time are requested. Please charge any necessary fees and credit any excess to deposit account 50-1088.

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Respectfully Submitted,
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Art Unit: 1723

Wells, et al.

Serial No.: 09/482,653

Filing Date: January 13, 2000

For: Automatic Multiple-Decanting Centrifuge

MARKED UP CLAIM

22. (Twice Amended) A system for treating physiological products, comprising:

a centrifuge;

a container having at least a first chamber and a second chamber, wherein each of the first and second chambers has a top portion, a bottom portion and a set of walls, wherein the top portions of the first chamber and second chamber are connected by a bridge for transferring fluid therebetween; and

a holder assembly attached to the centrifuge and effective to removably receive the container], wherein the holder assembly is effective to] and position the container in one or more predetermined positions.

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